

State of Illinois 91st General Assembly Final Senate Journal

3104

JOURNAL OF THE

[Jan. 8, 2000]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

111TH LEGISLATIVE DAY

MONDAY, JANUARY 8, 2001

2:00 O'CLOCK P.M.

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Father David Lantz, Christ the King Church,
Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, November 29, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, November 30, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A status report of pending projects for the construction, renovation or rehabilitation of a school building or related facility submitted by the Public Building Commission of Chicago pursuant to Senate Bill 265, which amended Section 19.1 of the Public Building Commission Act (50 ILCS 20/1 et. seq.).

A report on the FY 2000 Medical Expenditures for Services Provided in Prior Fiscal Years submitted by the Department of Public Aid in compliance with Illinois Compiled Statutes 30 ILCS 105/25, Section (e)(i) as amended.

A report on Unpaid Medical Claims on Hand June 30, 2000 submitted by the Department of Public Aid in accordance with Illinois

SENATE

3105

Compiled Statutes 30 ILCS 105/25, Section (e)(ii) as amended.

A report on the Results of the Department of Public Aid's Efforts to Combat Fraud and Abuse submitted by the Department of Public Aid pursuant to Illinois Compiled Statutes 30 ILCS 105/25, Section (g)(3).

A Quarterly Procurement Activity Report submitted by the Metropolitan Pier and Exposition Authority.

FY2000 reports on the financial operations of the Build Illinois Capital Revolving Loan Fund, Illinois Equity Fund, and Large Business Attraction Fund submitted by the Department of Commerce and Community Affairs in compliance with Section 9-9 and 10-9 of PA 84-109.

The 2000 Case Report submitted by the Legislative Reference Bureau as required by Section 5.05 of the Legislative Reference Bureau Act, 25 ILCS 135/5.05.

The annual report for 2000, December 13, 2000, submitted by the Illinois Delegation to the National Conference of Commissioners on Uniform State Laws.

A report, For the Record-2000, Fiscal Year 2000 Highway Improvement Accomplishments submitted by the Department of Transportation.

A Report on City of Ottawa Hazard Mitigation Project, November 2000, submitted by the Department of Natural Resources pursuant to the Flood Control Act of 1945.

A report on Domestic Abuse of Adults with Disabilities, September 2000, submitted by the Department of Human Services as required by Public Act 87-658.

A report on the financial statements for the Metropolitan Pier and Exposition Authority as of the end of the first quarter ended September 30, 2000, submitted by the Metropolitan Pier and Exposition

Authority pursuant to the Metropolitan Pier and Exposition Authority Act, as amended, Ch. 85 IL Revised Statute et seg.

The 1999 Annual Statistical Report submitted by the State Board of Education as required by Section 2-3.11 of the School Code of Illinois.

A report on findings regarding methods for simplifying occupation and use tax reporting requirements in general and, in particular, the feasibility of reducing the number of occupation and use tax returned required to be filed each taxable year submitted by the Occupation and Use Tax Reporting and Simplification Committee, Department of Revenue, in accordance with Section 5 of Public Act 91-901 and as codified in the Department of Revenue Law of the Civil Administrative Code of IL (20 ILCS 2505/2505-710).

A report on the results of a direct pay permit pilot program submitted by the Department of Revenue pursuant to Section 5 of Public Act 90-682 and as codified in the Direct Pay Permit Implementation Act (35 ILCS 160/5).

The Annual Report, December 2000, Licensure Program, submitted by the Department of Children and Family Services.

3106

JOURNAL OF THE

[Jan. 8, 2000]

A report on the foundation level and supplemental General State Aid grant level for districts with high concentrations of children from poverty submitted by the Education Funding Advisory Board as required in Section 5/18-8.05(M) of the IL School Code (105 ILCS 5/18-8.05).

A Report on Limitation of Administrative Costs (FY 1999 Actual Expenditures/FY 2000 Budgeted Expenditures) submitted by the State Board of Education in accordance with Section 17-1.5 of the Illinois School Code 105 ILCS 5/17-1.5, Section (c).

A report on Improvements to the Illinois Certification System: An Annual Report, submitted by the State Board of Education in compliance with 105 ILCS 5/21-1a.

The Education Staff Supply and Demand Annual Report submitted by the State Board of Education as required in Section 2-3.11C of the School Code (105 ILCS 5/2-3.11c).

The Fiscal Responsibility Report Card, Fiscal Year 1999, submitted by Office of the Comptroller as required by the Fiscal Responsibility Report Card Act (35 ILCS 200/30-30 and 200/30-31).

A report on the Financial Impact Statement submitted by the Department of Corrections in accordance with Chapter 730 ILCS 5/3-2-9.

The Annual Revenue Report, fiscal year 1999, submitted by the Department of Human Services.

A report, the Illinois Bond Watcher, December 2000, submitted by the Illinois Economic and Fiscal Commission.

A report on the Chicago Park District Lagoon & Natural Area Rehabilitation Project, Cook County, December 2000, submitted by the Department of Natural Resources pursuant to the Flood Control Act of 1945.

A comprehensive annual financial report for the fiscal year ended June 30, 2000, submitted by the State Employees' Retirement System of Illinois.

A comprehensive annual financial report for the fiscal year ended June 30, 2000, submitted by the General Assembly Retirement System of Illinois.

A comprehensive annual financial report for the fiscal year ended June 30, 2000, submitted by the Judges' Retirement System of Illinois.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 368

SENATE

3107

Motion to Concur in House Amendment 2 to Senate Bill 1975

LEGISLATIVE MEASURES FILED

The following Conference Committee Report has been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 441

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 3841

At the hour of 3:00 o'clock p.m., Senator Weaver presiding.

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

First Conference Committee Report to Senate Bill 441

The foregoing conference committee report was placed on the Senate Calendar.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Act Motions have been approved for consideration:

Motion to concur in H.A. 1 to Senate Bill 368
Motion to concur in H.A. 2 to Senate Bill 1975

The foregoing concurrences were placed on the Secretary's Desk.

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Bill No. 4659**, on January 1, 2001, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 4659**, was returned to the order of third reading.

Senator Karpriel announced that there will be a Republican caucus immediately upon adjournment.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

3108

JOURNAL OF THE

[Jan. 8, 2000]

Second Conference Committee Report to SENATE BILL NO. 487

Adopted by the House, January 8, 2001.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY

SECOND CONFERENCE COMMITTEE REPORT

ON SENATE BILL 487

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1

to Senate Bill 487, recommend the following:

(1) that the House recede from House Amendment No. 1; and

(2) that Senate Bill 487 be amended by replacing the title with the following:

"AN ACT to amend the Illinois Roofing Industry Licensing Act."; and by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3, 9, 9.2, 9.4, 9.5, 9.10, 9.14, 10, and 11.5 and adding Sections 3.2, 3.5, 4.5, and 5.5 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization.

"Qualifying party" does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial

properties.

(Source: P.A. 89-387, eff. 1-1-96; 89-594, eff. 8-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/3) (from Ch. 111, par. 7503)

Sec. 3. Application for license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, business trust, or other legal entity, the license shall be issued in the company name. A company must designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

(a) the name and address of the person designated as the qualifying party responsible for the practice of professional roofing in Illinois;

(b) the name of the proprietorship and its proprietor, the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with any laws pertaining to the use of fictitious names, if a fictitious name is used; if the business is a sole proprietorship and doing business under a name other than that of the individual proprietor, the individual proprietor must list all business names used for that proprietorship.

(1.5) A certificate issued by the Department before the effective date of this amendatory Act of the 91st General Assembly shall be deemed a license for the purposes of this Act. ~~To obtain a certificate, an applicant shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department.~~

(2) An applicant for a license ~~certificate~~ must submit satisfactory evidence that:

(a) he or she has obtained public liability and property damage insurance in such amounts and under such circumstances as may be determined by the Department;

(b) he or she has obtained Workers' Compensation insurance covering his or her employees or is approved as a self-insurer of Workers' Compensation in accordance with Illinois law;

(c) he or she has an Illinois Unemployment Insurance employer identification number or has proof of application to the Illinois Department of Labor for such an identification number;

(d) he or she has submitted a continuous bond to the Department in the amount of \$10,000 for a limited license and in the amount of \$25,000 for an unlimited license; and \$5,000.

(e) a qualifying party has satisfactorily completed the examination required under Section 3.5.

(3) It is the responsibility of the licensee to provide to the Department notice in writing of any changes in the information required to be provided on the application.

(4) All roofing contractors must designate a qualifying party

3110

JOURNAL OF THE

[Jan. 8, 2000]

and otherwise achieve compliance with this Act no later than July 1, 2003 or his or her license will automatically expire on July 1, 2003.

(5) Nothing in this Section shall apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(6) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 3 years, the application shall be denied, the fee shall be forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.2 new)

Sec. 3.2. Bond. Before issuing or renewing a license, the Department shall require each applicant or licensee to file and maintain in force a surety bond, issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois. The bond shall be continuous in form, unless terminated by the insurance company. An insurance company may terminate a bond and avoid further liability by filing a 60-day notice of termination with the Department and, at the same time, sending the notice to the roofing contractor. A license shall be cancelled without hearing on the termination date of the roofing contractor's bond, unless a new bond is filed with the Department to become effective at the termination date of the prior bond. If a license has been cancelled without hearing under this Section, the license shall be reinstated upon showing proof of compliance with this Act.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3.5 new)

Sec. 3.5. Examination.

(a) The Department shall authorize examinations for applicants for initial licenses at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) An applicant for a limited license or an unlimited license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the individual scheduled to appear for the examination on the scheduled date at the time and place specified after his or her application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2003. The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

An applicant has 3 years after the date of his or her application to complete the application process. If the process has not been

SENATE

3111

completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(225 ILCS 335/4.5 new)

Sec. 4.5. Duties of qualifying party; replacement. While engaged as or named as a qualifying party for a licensee, no person may be the named qualifying party for any other licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:

(1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party.

(2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.

In the event that a qualifying party is terminated or terminating his or her status as qualifying party of a licensee, the qualifying party and the licensee shall notify the Department of that fact in writing. Thereafter, the licensee shall notify the Department of the name and address of the newly designated qualifying party. The newly designated qualifying party must take the examination prescribed in Section 3.5 of this Act. These requirements shall be met in a timely manner as established by rule of the Department.

(225 ILCS 335/5.5 new)

Sec. 5.5. Contracts. A roofing contractor, when signing a contract, must provide a land-based phone number and a street address other than a post office box at which he or she may be contacted.

(225 ILCS 335/9) (from Ch. 111, par. 7509)

Sec. 9. Licensure requirement.

(1) It is unlawful for any person to engage in the business or act in the capacity of or hold himself or herself out in any manner as a roofing contractor without having been duly licensed under the provisions of this Act.

(2) No work involving the construction, reconstruction, alteration, maintenance or repair of any kind of roofing or waterproofing may be done except by a roofing contractor licensed under this Act.

(3) Sellers of roofing services may subcontract the provision of those roofing services only to roofing contractors licensed under this Act.

(Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

Sec. 9.2. Stenographer; record of proceedings. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings initiated pursuant to this Act, the rules for the administration of this Act, or any other Act or rules relating to this Act and proceedings for restoration of any license issued under this Act. The notice of hearing, complaint, answer, and all other documents in the nature of pleadings and written motions and responses filed in the proceedings, the transcript of the testimony, all exhibits admitted into evidence, the report of the hearing officer, the Board's findings of fact, conclusions of law, and recommendations to the Director, and the order shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115). ~~The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of~~

3112

JOURNAL OF THE

[Jan. 8, 2000]

~~pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer and order of the Department shall be the record of such proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

Sec. 9.4. The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both, or to subpoena documents, exhibits, or other materials with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director and any member of the Roofing Advisory Board have power to administer oaths to witnesses at any hearing that the Department or Roofing Advisory Board is authorized by law to conduct. Further, the Director has power to administer any other oaths required or authorized to be administered by the Department under this Act.

~~The Director and the hearing officer have power to administer oaths to witnesses at any hearing which the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department under this Act.~~

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

Sec. 9.5. Findings of fact, conclusions of law, and recommendations; order. Within 60 days of the Department's receipt of the transcript of any hearing that is conducted pursuant to this Act or the rules for its enforcement or any other statute or rule requiring a hearing under this Act or the rules for its enforcement, or for any hearing related to restoration of any license issued

pursuant to this Act, the hearing officer shall submit his or her written findings and recommendations to the Roofing Advisory Board. The Roofing Advisory Board shall review the report of the hearing officer and shall present its findings of fact, conclusions of law, and recommendations to the Director by the date of the Board's second meeting following the Board's receipt of the hearing officer's report.

A copy of the findings of fact, conclusions of law, and recommendations to the Director shall be served upon the accused person, either personally or by registered or certified mail. Within 20 days after service, the accused person may present to the Department a written motion for a rehearing, which shall state the particular grounds therefor. If the accused person orders and pays for a transcript pursuant to Section 9.2, the time elapsing thereafter and before the transcript is ready for delivery to him or her shall not be counted as part of the 20 days.

The Director shall issue an order based on the findings of fact, conclusions of law, and recommendations to the Director. If the Director disagrees in any regard with the findings of fact, conclusions of law, and recommendations to the Director, he may issue an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director.

If the Director issues an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director, the Director shall notify the Board in writing with an explanation for any deviation from the Board's findings of fact, conclusions of law, and recommendations to the Director within 30 days of the Director's entry of the order. At the conclusion of the hearing the hearing

SENATE

3113

~~officer shall present to the Director a written report of his findings of fact, conclusions of law and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The hearing officer shall specify the nature of the violation or failure to comply, and shall make his recommendations to the Director.~~

~~The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the Department's order. If the Director disagrees in any regard with the report of the hearing officer, the Director may issue an order in contravention to the report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.~~

(Source: P.A. 86-615.)

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

Sec. 9.10. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an

additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all the application fees as set by rule ~~fees and fines due to the Department~~. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

Sec. 9.14. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue or renew a license, for or discipline of a licensee for sanctions for unlicensed practice, for restoration of a license, or for any other action for which findings of fact, conclusions of law, and recommendations are required pursuant to Section 9.5 of this Act. ~~The hearing officer shall have full authority to conduct the hearing and shall issue his or her findings of fact and recommendations to the Board pursuant to Sections 9.5 of this Act. The hearing officer has full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Director. The Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the hearing officer's report, he may issue an order in contravention of the hearing officer's report.~~

(Source: P.A. 86-615.)

(225 ILCS 335/10) (from Ch. 111, par. 7510)

Sec. 10. Enforcement; petition to court.

(1) If any person violates the provisions of this Act, the Director through the Attorney General of Illinois, or the State's Attorney of any county in which a violation is alleged to exist, may in the name of the People of the State of Illinois petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court.

(2) If any person shall practice as a licensee or hold himself or herself out as a licensee without being licensed under the

provisions of this Act, then any person licensed under this Act, any interested party or any person injured thereby may, in addition to those officers identified in subsection (1) of this Section, petition for relief as provided therein.

(3) Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed under this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(4) ~~(3)~~ Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/11.5)

Sec. 11.5. The Roofing Advisory Board is created and shall consist of 8 7 persons, one of whom is a knowledgeable public member and 7 6 of whom shall have been issued licenses certificates of registration as roofing contractors by the Department and one who is a knowledgeable public member. One of the 7 licensed roofing contractors on the Board shall represent a statewide association representing home builders and another of the 7 licensed roofing contractors shall represent an association predominately representing retailers. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Director. Members shall be appointed who reasonably represent the different geographic areas of the State.

Members of the Roofing Advisory Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Roofing Advisory Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

~~The Director shall consider the advice and recommendations of the Board. The Director shall notify the Board in writing with an explanation of any deviation from the Board's written recommendation or response. After review of the Director's written explanation of the reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.~~

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall

be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.

Within 90 days of a vacancy occurring, the Director shall fill the vacancy for the unexpired portion of the term with an appointee who meets the same qualifications as the person whose position has

become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 335/4 rep.)

Section 10. The Illinois Roofing Industry Licensing Act is amended by repealing Section 4.

Section 99. Effective date. This Act takes effect upon becoming law."

Submitted on November 29, 2000.

s/Sen. Dave Syverson

s/Sen. Christine Radogno

Sen. Bradley J. Burzynski

s/Sen. Rick Hendon

s/Sen. Antonio Munoz

Committee for the Senate

s/Rep. Dan Burke

s/Rep. Barbara Flynn Currie

s/Rep. Mary K. O'Brien

Rep. Art Tenhouse

s/Rep. Angelo "Skip" Saviano

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2130

A bill for AN ACT to amend the Fire Protection District Act by adding Section 11h.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2130.

Concurred in by the House, January 8, 2001.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 3:08 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, January 9, 2001 at 9:30 o'clock a.m.